

# New Hampshire Council on Resources and Development

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## FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT MAY 3, 2007

### MEMBERS PRESENT

Amy Ignatius, Chairman, Director of the NH Office of Energy and Planning  
William Carpenter, for George Bald, Commissioner of the NH Dept. of Resources and Economic Development  
Timothy Drew, for Thomas Burack, Commissioner of the NH Dept. of Environmental Services  
Claira Pirozzi Monier, Executive Director of the NH Housing Finance Authority  
James McConaha, for Van McLeod, Commissioner of the NH Dept. of Cultural Resources  
Richard Uncles, for Stephen Taylor, Commissioner of the Dept. of Agriculture, Markets and Food

### OTHERS PRESENT

Jennifer Czysz, NH Office of Energy and Planning  
Christopher Albert, Hoyle, Tanner and Associates, Representing SAU #65

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Chairman Ignatius called the meeting to order at 9:35 AM at the New Hampshire Office of Energy and Planning, 57 Regional Drive, Concord, NH.

## **I. MINUTES**

### **A. Approval of CORD Meeting Minutes of March 7, 2007.**

**ACTION:** MOVED by Ms. Monier, seconded by Mr. Carpenter, THAT the minutes of the Council meeting held on March 7, 2007 be approved, incorporating the following amendment proposed by Mr. Drew:

- On page 5, under the DES response to SLR 07-002, the word “core” be changed to “more.”

The motion passed unanimously, 6-0.

## **II. DISPOSAL OF STATE OWNED SURPLUS LAND REVIEW (SLR)**

### **A. JAFFREY**

**SLR 07-003**

**Request for a 0.5-acre easement to install poles and utilities at Monadnock State Park.**

The Department of Resources and Economic Development (DRED) requests to grant an easement of 0.5 acres to Verizon in order to install utility poles and lines. The new utility installation will service a Governor and Council approved plan to develop a campground on the property. The overall property is 206 acres and includes hiking trails, parking, and Gilson Pond in addition to the planned campground. As much as possible, DRED and Verizon intend to place the requested utilities underground. Current and future public recreation use at ground level will be able to continue without disruption.

**STAFF REPORT**

**30-day review period ends May 30, 2007.**

*Administrative Services:* No comment.

*Agriculture, Markets, and Food:* No interest.

*Bureau of Emergency Management:* No comment.

*Division of Historical Resources:* No comment.

*Education:* No comment.

*Energy and Planning:* No comment.

*Environmental Services:* Recommends that such construction be accomplished using best management practices to control the flow of storm water and properly handle trench water that may encroach during the work.

*Fish and Game:* No comment.

*Housing Finance Authority:* No comment.

*Health and Human Services:* No comment.

*Resources and Economic Development:* Concur.

*Safety Services:* No comment.

*Transportation:* No comment.

*Lakes Management Advisory Committee:* Not applicable.

*Rivers Management Advisory Committee:* Not applicable.

*Public Waters Access Advisory Board:* No comment.

*State Conservation Commission:* No comment.

*Town of Jaffrey:* No comment.

**May 3, 2007 Discussion:**

Mr. Carpenter introduced the request and explained that the proposed utility easement is needed by DRED to install phone and power to a new campground, under construction, at the Monadnock State Park.

To follow up on questions raised by CORD at the last meeting, Chairman Ignatius noted that recent discussions with the Attorney General's office have indicated that all surplus land requests, including such small utility easements for use by the state on state-owned land, must proceed through the CORD review process.

Mr. McConaha inquired whether and to what extent the utility lines would be placed underground since this raises concerns regarding potential archeological features that may exist or be disturbed by digging. Ms. Czysz reported that, per DRED staff, the location and extent of underground lines would be determined by the geological conditions, existence of ledge, and ability to bury the lines. Mr. Carpenter noted it is DRED's preference to place the lines underground.

Mr. Carpenter described the proposed easement area that will connect from Dublin Road at its closest point to the campground then follow the camp road into the site. It would be the first power and phone service established on the parcel.

Mr. Drew stated that DES found no wetlands on the site but cautioned DRED about the potential impact of water pooling when digging utility service trenches. He recommended that Best Management Practices be employed on the site and DES could provide guidance. He also cautioned that a temporary water discharge permit might be required to cover trench drainage during construction. Mr. Carpenter will share this information with the project architect.

**ACTION:** MOVED by Mr. Drew, seconded by Ms. Monier, to APPROVE the project subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously, 6-0. Due to the lack of a quorum, a ballot vote will be issued.

**B. SUTTON SLR 07-004**  
**Request to grant a 1.25-acre groundwater discharge easement to SAU #65.**

The Department of Resources and Economic Development (DRED) requests to grant a groundwater discharge easement of 1.25 acres to SAU #65, Kearsarge Middle School. The middle school is to be constructed on a lot adjacent to the Shadow Hill State Forest. The planned placement of the school's septic system will cause its required 300-foot radius nitrate setbacks to traverse the state forest property boundary. The requested easement would allow the school to meet this setback requirement, utilizing a segment of the state forest totaling 1.25 acres. The granting of this easement will not disrupt the current use of this property as a working forest.

**STAFF REPORT**

**30-day review period ends June 6, 2007.**

*Administrative Services:* No comment.

*Agriculture, Markets, and Food:* No interest.

*Bureau of Emergency Management:* No comment.

***Division of Historical Resources:*** No comment.

***Education:*** No comment.

***Energy and Planning:*** No comment.

***Environmental Services:*** No comment.

***Fish and Game:*** No comment.

***Housing Finance Authority:*** No comment.

***Health and Human Services:*** No comment.

***Resources and Economic Development:*** No comment.

***Safety Services:*** No comment.

***Transportation:*** No comment.

***Lakes Management Advisory Committee:*** Not applicable.

***Rivers Management Advisory Committee:*** Not applicable.

***Public Waters Access Advisory Board:*** No comment.

***State Conservation Commission:*** No comment.

***Town of Sutton:*** No comment.

**May 3, 2007 Discussion:**

Mr. Carpenter introduced the request and Mr. Albert of Hoyle, Tanner and Associates, representing SAU #65. Mr. Carpenter highlighted that granting this easement would have no impact on DRED's current use of the land or forestry practices there.

Mr. Albert explained that following four years of planning and ultimate approval at the 2006 town meeting, the Kearsarge Middle School has begun construction as presented to CORD in the request's application site plan. The design build process has allowed SAU #65 to expedite construction while they simultaneously apply for various permits and this easement. The school, at its maximum capacity, is projected to have 700 students and its septic system will need to process 17,000 gallons per day. The proposed layout utilizes three fields, two handling 7,000 gallons and the third at 3,500 gallons. It is one of the two 7,000 gallon fields that will need a groundwater discharge easement from DRED in order to comply with the required 300 foot down gradient nitrate setback. This easement would take from the state the ability to put in a well or other septic system in the easement area.

Chairman Ignatius asked if there would be any other changes required to the easement area or if logging would be prohibited? Mr. Albert reassured the members present that there would be no other impacts to the area. The school will leave all land between the septic field and the property line forested and throughout the site is trying to minimize their land disturbances. This field location was selected because it is flat and downhill from the school, allowing for a gravity-based system. The other 7,000-gallon field will be under the school parking lot.

Mr. Drew inquired whether the school had applied for and received their permits from DES? Mr. Albert responded that yes, he is aware they have been granted their wetlands, subsurface, and alteration of terrain permits. Mr. Drew will inquire within DES to ensure they have all permits they will require. Mr. Albert noted that in order to keep up with the school's aggressive schedule, they have applied for permits while simultaneously moving forward on previously permitted components of construction. They would appreciate Mr. Drew's inquiry into their permit status to ensure all have been covered.

Mr. McConaha asked if the easement's distance from the lake is adequate to ensure no nutrient infiltration or water quality impairments? Mr. Albert noted the lake is more than double the required distance from the septic system. DES' setbacks utilize a conservative interpretation of the science behind groundwater discharges and beyond the 300 foot setback there should be no nitrate impacts. Additionally, the school will be using a new system design that is more efficient than the standard system upon which the 300-foot criteria are based. Mr. Drew also assured Mr. McConaha that the 300 feet is an ample distance and DES is extremely sensitive toward adding nutrients to water bodies.

Chairman Ignatius asked about the current location of the middle school. Mr. Albert said that it is in the center of New London and serves seven or eight municipalities as part of a regional district. The new school will be about 2 miles from exit 10 off of I-89 in Sutton. Chairman Ignatius responded that CORD is charged with promoting the smart growth principles and the removal of the school from a community center to place it in a previously undeveloped area is contradictory to those principles. Mr. Albert stated he fully understands and the architect and school district debated the site design until September 2006.

Mr. Uncles inquired what would be the "quid pro quo" or public benefit of the proposed easement? Mr. Albert responded that the school district would gain the most from the easement in that they would not have to utilize a pump system to move septic waste uphill, thus reducing energy costs and allowing for a more efficient gravity system to be employed. Additionally, pump-based systems are more prone to operational problems than gravity systems. Mr. Carpenter stated that when DRED reviews these types of projects, the first question asked is what is the benefit to granting such an easement? In this situation DRED feels they are assisting the school and local communities who have invested in the facility. Additionally, since there will be no impact to the current forestry practice there, they are supportive of the request.

Mr. Uncles inquired about the system lifespan and easement term. Mr. Carpenter responded that the easement would be in perpetuity. Mr. Albert noted the system is designed to meet the school's maximum capacity of 700 students. Mr. Uncles followed up by asking about the consequences should the school exceed that capacity. Mr. Drew noted they would need to seek additional permits from DES and Mr. Carpenter noted there is no guarantee that DRED would be willing to increase the easement area. A conversation on demographic trends in New Hampshire ensued revolving around future impacts to the school age population.

Chairman Ignatius asked the members present what their preference was – to act now or wait until the next meeting since the review and comment period had just begun? By no

means did she wish for anyone to feel that CORD was shortchanging the review and comment process and encouraged all interested to still submit comments if CORD chose to act today. Mr. Drew felt it would be a shame to hold it up, since it would still have to be approved by the Long Range Capital Planning and Utilization Committee and Governor and Council. Chairman Ignatius reiterated that those who had yet to comment on this request should still submit their comments, as the action would be subject to no adverse comments during the review period and would not be effective until the review period ends.

**ACTION:** MOVED by Ms. Monier, seconded by Mr. Drew, to APPROVE the project subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously, 6-0. Due to the lack of a quorum, a ballot vote will be issued.

### **III. NEW BUSINESS**

#### **A. SURPLUS LAND REVIEW PROCESS. Report from DRED on discussions with the Attorney General's office.**

Mr. Carpenter and Chairman Ignatius relayed an ongoing conversation they had between the March and May 2007 CORD meetings. Mr. Carpenter spoke with Associate Attorney General Anne Edwards to clarify whether small easements, granted to provide utility service on state-owned land at the request or benefit of the state, need to proceed through CORD review and the entire surplus land review process. Mr. Drew noted that such projects under RSA 371:18 were exempt from PUC review. Mr. Carpenter reported that Ms. Edwards stated that all conveyances of state land, regardless of size or proposed use, still represent the granting of an interest in state lands and must proceed through the full review process. He also noted that Ms. Ludke, a former member of the Attorney General's office, might have previously issued a decision on this topic. Chairman Ignatius offered to look into this.

### **IV. OLD BUSINESS**

#### **A. SMART GROWTH REPORT - Prioritized Recommendations**

Chairman Ignatius asked Ms. Czysz to review work completed on the implementation plan. The representatives present chose to review draft work on the next three priorities that were previously prepared and distributed to all CORD members by email on April 19, 2007.

The members present began their review with recommendation #4 (fourth priority) to continue building and using the GRANIT database. Members present agreed this recommendation would require additional funding and two to five years to implement. In addition to the draft entries to increase GRANIT funding, identify new data needs, continue efforts to map all state owned lands, and update statewide existing land use data, those present added one additional implementation action – to research additional grants, alternate funding mechanisms and potential partnerships to promote data development.

Chairman Ignatius thanked those agencies that contribute each year at OEP's request to support GRANIT's work. She recognized that GRANIT is currently supported primarily by

hard earned state agency funds. She inquired if anyone knew of grants or other mechanisms to augment the current funding or if private entities have to pay to purchase GRANIT data? Mr. Drew noted he knows that the fishing industry uses their bathymetric data to produce maps they sell for a profit.

Mr. McConaha inquired if there was a relationship between GRANIT and any federal entities? He noted that the Division of Historical Resources has partnered with the Natural Resource Conservation Services to share data and depict each other's data on their maps. This was done without a formal agreement. Chairman Ignatius inquired whether we could arrange a meeting to expand this agreement to other state agencies?

CORD members continued with recommendation #3 (priority 5) to promote collaborative decision-making. Chairman Ignatius noted it was important to seek ways to implement this item without becoming cumbersome and avoiding Memorandum's of Understanding. Instead, all present agreed this could be more simply addressed, by all agencies, in the short term, through using CORD meetings as a forum to discuss agency activities and initiatives through brief updates at the beginning of each meeting, as well as outreach with other non-profits and regional planning commissions. An annual meeting, focused on information sessions and presentations from outside agencies, would help widen CORD's sphere of reference.

Mr. Carpenter noted the recent Saving Special Places conference was a good example of many agencies and non-profits coming together to jointly promote the same information. The group discussed the many informal opportunities and partnerships that already exist throughout the state.

Lastly, recommendation #1(c), review of capital budget requests and facilities siting, was discussed. This is an ongoing effort by CORD that all present felt could be improved over the short term, primarily through efforts by OEP and support by other CORD agencies. OEP will work with staff at the Department of Administrative Services to ensure receipt of the budget as soon as it is available for review and will work with CORD to establish a checklist or policy statement to help guide the budget review.

## **B. LEGISLATION**

- i. HB 813-FN:** relative to the management of the land conservation investment program monitoring endowment.

Chairman Ignatius noted that this is moving along well. There was some concern that this might be tied to LCHIP finding however OEP is working with Representative Spang to ensure the two programs are maintained separately.

- ii. HB 710:** establishing a commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters.

Chairman Ignatius stated that this was passed in the house where a moratorium was added and then removed from the bill. The hearing on this bill in the senate was on Tuesday May 1, 2007 and was well received.

Mr. McConaha asked how the study commission would impact current or future leases in the interim between the bill passing, if it does, and the final report being issued? Chairman Ignatius noted that this same question was asked during Tuesday's hearing and Senator Clark suggested an interim report be issued to lessen the period of uncertainty.

**C. CORD COMPOSITION. Continued discussion of language in RSA 162-C:1 relative to allowing designees to attend as voting representatives of identified members.**

Chairman Ignatius requested that representatives continue to consider whether the same agencies should participate and if so, who from each agency would be the best delegate to CORD. She suggested that the participants approach their respective commissioners and directors for their opinion of the current process so that a decision may be reached in the future if new legislation needs to be formulated.

**D. SURPLUS LAND REVIEW PROCESS. Questions or comments on the revised application form and tracking sheet. Initially approved application form and tracking sheet distributed by email on March 9, 2007.**

Ms. Czysz gave a brief overview of the suggested revisions she received from DRED, RMAC, LMAC and the State Conservation Committee on the new application form. All CORD representatives were comfortable with the suggested revisions and agreed it was good to test and revise the form to ensure it responds to all parties' needs.

Discussion ensued on how to better state question 5 and its sub-questions. The intent of the question was to encourage applicants to consult with the Division of Historical Resources early in the process if historic resources had not been specifically identified on the site. All parties agreed upon alternative wording.

No formal action was taken on the changes since the action taken in March was to approve use of the form with the understanding it would undergo revisions as it is utilized. Ms. Czysz will forward a revised form to all parties as soon as possible.

**E. LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE. Report on recent CORD communications with the Committee.**

Chairman Ignatius reported that Ms. Czysz has been attending the Long Range meetings. Ms. Czysz noted that recent CORD related activity at Long Range has centered on the review of a request by the Town of Lebanon to purchase 6-acres of land along the Connecticut River from the Department of Transportation. Ms. Czysz submitted minutes from the CORD meeting in 2004 when this request was heard along with the CORD decision memo and related correspondence for the Committee's reference.



**F. MAPPING STATE-OWNED LANDS. Update on progress made by Environmental Services, Resources and Economic Development, Fish and Game, and Transportation to identify all state-owned lands in proximity to water bodies in response to the request made by the Governor's office.**

Chairman Ignatius noted that Fish and Game and DOT have submitted their information to Ken Gallagher at OEP. Mr. Drew reported that DES has modified the methodology they are using to map their lands in order to expedite the process. Mr. Carpenter noted that DRED is nearly complete with their updates. They are adding new information to the state conservation lands data layer. He added that state parks and campgrounds, among other DRED lands, would not be offered as surplus. DRED will formulate a letter to the Governor's office responding directly to the initial request.

**V. CORD 2007 PROPOSED MEETING SCHEDULE**

Chairman Ignatius asked Council members if they would want to hold the July 11, 2007 CORD meeting offsite in the lakes region despite not having any active requests for surplus waterfront land at this time. Mr. Drew responded that this is always a valuable tool for the representatives. He offered to speak with the DES shoreland staff to discern locations of possible future waterfront development or areas where past surplus land requests may be viewed to assess their impact.

Chairman Ignatius will contact NH Marine Patrol to see if an offsite meeting can be arranged.

July 11, 2007  
September 6, 2007  
November 1, 2007

*All meetings will be held at the Office of Energy and Planning, 57 Regional Drive, Concord, NH, unless otherwise noticed. Meetings begin at 9:30 AM.*

**VI. ADJOURNMENT**

The meeting adjourned at 11:30 AM.

Respectfully Submitted,

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Amy Ignatius  
Chairman

AI/jlc